

HB5240



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5240

Introduced 2/9/2024, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

820 ILCS 130/2

Amends the Prevailing Wage Act. Provides that the definition of "public works" does not include construction projects that are contracted for directly by the federal government.

LRB103 38387 SPS 68522 b

A BILL FOR

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Prevailing Wage Act is amended by changing
5 Section 2 as follows:

6 (820 ILCS 130/2)

7 Sec. 2. This Act applies to the wages of laborers,
8 mechanics and other workers employed in any public works, as
9 hereinafter defined, by any public body and to anyone under
10 contracts for public works. This includes any maintenance,
11 repair, assembly, or disassembly work performed on equipment
12 whether owned, leased, or rented.

13 As used in this Act, unless the context indicates
14 otherwise:

15 "Public works" means all fixed works constructed or
16 demolished by any public body, or paid for wholly or in part
17 out of public funds. "Public works" as defined herein includes
18 all projects financed in whole or in part with bonds, grants,
19 loans, or other funds made available by or through the State or
20 any of its political subdivisions, including but not limited
21 to: bonds issued under the Industrial Project Revenue Bond Act
22 (Article 11, Division 74 of the Illinois Municipal Code), the
23 Industrial Building Revenue Bond Act, the Illinois Finance

1 Authority Act, the Illinois Sports Facilities Authority Act,
2 or the Build Illinois Bond Act; loans or other funds made
3 available pursuant to the Build Illinois Act; loans or other
4 funds made available pursuant to the Riverfront Development
5 Fund under Section 10-15 of the River Edge Redevelopment Zone
6 Act; or funds from the Fund for Illinois' Future under Section
7 6z-47 of the State Finance Act, funds for school construction
8 under Section 5 of the General Obligation Bond Act, funds
9 authorized under Section 3 of the School Construction Bond
10 Act, funds for school infrastructure under Section 6z-45 of
11 the State Finance Act, and funds for transportation purposes
12 under Section 4 of the General Obligation Bond Act. "Public
13 works" also includes (i) all projects financed in whole or in
14 part with funds from the Environmental Protection Agency under
15 the Illinois Renewable Fuels Development Program Act for which
16 there is no project labor agreement; (ii) all work performed
17 pursuant to a public private agreement under the Public
18 Private Agreements for the Illiana Expressway Act or the
19 Public-Private Agreements for the South Suburban Airport Act;
20 (iii) all projects undertaken under a public-private agreement
21 under the Public-Private Partnerships for Transportation Act
22 or the Department of Natural Resources World Shooting and
23 Recreational Complex Act; and (iv) all transportation
24 facilities undertaken under a design-build contract or a
25 Construction Manager/General Contractor contract under the
26 Innovations for Transportation Infrastructure Act. "Public

1 works" also includes all projects at leased facility property
2 used for airport purposes under Section 35 of the Local
3 Government Facility Lease Act. "Public works" also includes
4 the construction of a new wind power facility by a business
5 designated as a High Impact Business under Section
6 5.5(a)(3)(E) and the construction of a new utility-scale solar
7 power facility by a business designated as a High Impact
8 Business under Section 5.5(a)(3)(E-5) of the Illinois
9 Enterprise Zone Act. "Public works" also includes electric
10 vehicle charging station projects financed pursuant to the
11 Electric Vehicle Act and renewable energy projects required to
12 pay the prevailing wage pursuant to the Illinois Power Agency
13 Act. "Public works" also includes power washing projects by a
14 public body or paid for wholly or in part out of public funds
15 in which steam or pressurized water, with or without added
16 abrasives or chemicals, is used to remove paint or other
17 coatings, oils or grease, corrosion, or debris from a surface
18 or to prepare a surface for a coating. "Public works" does not
19 include work done directly by any public utility company,
20 whether or not done under public supervision or direction, or
21 paid for wholly or in part out of public funds. "Public works"
22 also includes construction projects performed by a third party
23 contracted by any public utility, as described in subsection
24 (a) of Section 2.1, in public rights-of-way, as defined in
25 Section 21-201 of the Public Utilities Act, whether or not
26 done under public supervision or direction, or paid for wholly

1 or in part out of public funds. "Public works" also includes
2 construction projects that exceed 15 aggregate miles of new
3 fiber optic cable, performed by a third party contracted by
4 any public utility, as described in subsection (b) of Section
5 2.1, in public rights-of-way, as defined in Section 21-201 of
6 the Public Utilities Act, whether or not done under public
7 supervision or direction, or paid for wholly or in part out of
8 public funds. "Public works" also includes any corrective
9 action performed pursuant to Title XVI of the Environmental
10 Protection Act for which payment from the Underground Storage
11 Tank Fund is requested. "Public works" also includes all
12 construction projects involving fixtures or permanent
13 attachments affixed to light poles that are owned by a public
14 body, including street light poles, traffic light poles, and
15 other lighting fixtures, whether or not done under public
16 supervision or direction, or paid for wholly or in part out of
17 public funds, unless the project is performed by employees
18 employed directly by the public body. "Public works" also
19 includes work performed subject to the Mechanical Insulation
20 Energy and Safety Assessment Act. "Public works" also includes
21 the removal, hauling, and transportation of biosolids, lime
22 sludge, and lime residue from a water treatment plant or
23 facility and the disposal of biosolids, lime sludge, and lime
24 residue removed from a water treatment plant or facility at a
25 landfill. "Public works" does not include projects undertaken
26 by the owner at an owner-occupied single-family residence or

1 at an owner-occupied unit of a multi-family residence. "Public
2 works" does not include work performed for soil and water
3 conservation purposes on agricultural lands, whether or not
4 done under public supervision or paid for wholly or in part out
5 of public funds, done directly by an owner or person who has
6 legal control of those lands. "Public works" does not include
7 construction projects that are contracted for directly by the
8 federal government.

9 "Construction" means all work on public works involving
10 laborers, workers or mechanics. This includes any maintenance,
11 repair, assembly, or disassembly work performed on equipment
12 whether owned, leased, or rented.

13 "Locality" means the county where the physical work upon
14 public works is performed, except (1) that if there is not
15 available in the county a sufficient number of competent
16 skilled laborers, workers and mechanics to construct the
17 public works efficiently and properly, "locality" includes any
18 other county nearest the one in which the work or construction
19 is to be performed and from which such persons may be obtained
20 in sufficient numbers to perform the work and (2) that, with
21 respect to contracts for highway work with the Department of
22 Transportation of this State, "locality" may at the discretion
23 of the Secretary of the Department of Transportation be
24 construed to include two or more adjacent counties from which
25 workers may be accessible for work on such construction.

26 "Public body" means the State or any officer, board or

1 commission of the State or any political subdivision or
2 department thereof, or any institution supported in whole or
3 in part by public funds, and includes every county, city,
4 town, village, township, school district, irrigation, utility,
5 reclamation improvement or other district and every other
6 political subdivision, district or municipality of the state
7 whether such political subdivision, municipality or district
8 operates under a special charter or not.

9 "Labor organization" means an organization that is the
10 exclusive representative of an employer's employees recognized
11 or certified pursuant to the National Labor Relations Act.

12 The terms "general prevailing rate of hourly wages",
13 "general prevailing rate of wages" or "prevailing rate of
14 wages" when used in this Act mean the hourly cash wages plus
15 annualized fringe benefits for training and apprenticeship
16 programs approved by the U.S. Department of Labor, Bureau of
17 Apprenticeship and Training, health and welfare, insurance,
18 vacations and pensions paid generally, in the locality in
19 which the work is being performed, to employees engaged in
20 work of a similar character on public works.

21 (Source: P.A. 102-9, eff. 1-1-22; 102-444, eff. 8-20-21;
22 102-673, eff. 11-30-21; 102-813, eff. 5-13-22; 102-1094, eff.
23 6-15-22; 103-8, eff. 6-7-23; 103-327, eff. 1-1-24; 103-346,
24 eff. 1-1-24; 103-359, eff. 7-28-23; 103-447, eff. 8-4-23;
25 revised 12-15-23.)